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RUEHC/DEPT OF LABOR WASHDC
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UNCLAS SECTION 01 OF 07 SINGAPORE 000405

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STATE PASS AID, STATE FOR G/TIP, G, INL, DRL, PRM, AND
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SUBJECT: SINGAPORE: TRAFFICKING IN PERSONS (TIP) REPORT
SUBMISSION (PART 2 OF 3)

REF: A. SINGAPORE 401

[B](#). STATE 202745

[1](#). (U) This is the second of three messages relaying Embassy
Singapore's 2007 Trafficking in Persons (TIP) Report
submission.

[2](#). (U) Continue text of submission:

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

-- A. Does the country have a law specifically prohibiting
trafficking in persons--both for sexual and non-sexual
purposes (e.g. forced labor)? If so, please specifically
cite the name of the law and its date of enactment. Does the
law(s) cover both internal and external (transnational) forms
of trafficking? If not, under what other laws can traffickers
be prosecuted? For example, are there laws against slavery
or the exploitation of prostitution by means of force, fraud
or coercion? Are these other laws being used in trafficking
cases? Are these laws, taken together, adequate to cover the
full scope of trafficking in persons? Please provide a full
inventory of trafficking laws, including non-criminal
statutes that allow for civil penalties against alleged
trafficking crimes, (e.g., civil forfeiture laws and laws
against illegal debt).

Singapore has a law specifically prohibiting trafficking
(Women's Charter section 141) as well as several other
related laws. Combined, these statutes criminalize all forms
of trafficking in persons as defined by the U.N. Protocol to
Prevent, Suppress and Punish Trafficking in Persons and the
U.S. Trafficking Victims Protection Act. Many defendants are
prosecutable for more than one offense under the laws
described below; for persons convicted of more than two
crimes, consecutive sentences are mandatory. Laws pertaining
to trafficking offenses include:

Forced or coerced prostitution: In Singapore, it is illegal
to use force or deceit to compel a person to go from any
place for the purpose of wrongful confinement, slavery,
illicit intercourse or prostitution; the punishment is up to
10 years in prison, a fine, and caning (Penal Code 362-368).
Procuring, trafficking, or bringing a woman or girl in or out
of Singapore (for any reason other than a legal marriage or
adoption) is illegal and punishable by up to five years in
prison and a SGD 10,000 fine (Women's Charter 141).
Receiving or harboring any woman or girl, if a person has
reason to know she has been procured for prostitution, is
illegal; the punishment is up to 5 years in prison and a SGD

10,000 fine (Women's Charter 140). Facilitating or abetting the prostitution of any woman or girl is illegal; the punishment is up to five years in prison and a SGD 10,000 fine (Women's Charter 140). If the girl is under 16, the offender faces an additional charge carrying a punishment of 3 years in prison and a SGD 2,000 fine (Women's Charter 145).

Managing or assisting in the management of a place of assignation is illegal; being a tenant, lessee, occupier or otherwise in charge of a place used as a brothel is illegal; these crimes carry a penalty of up to five years in prison and a SGD 10,000 fine (Women's Charter 147-148). It is illegal to compel a person to do anything they are not legally bound to do through threats against them or any person they have an interest in; the punishment is up to seven years in prison and a fine (Penal Code 503-506). Aiding the commission of any of the above offenses (even if they take place abroad), through act or omission, is illegal (Penal Code 107-109), meaning that harboring, transporting, and detaining a person who is recruited/forced/coerced into prostitution is illegal, as is facilitating child sex tourism, and the punishments are the same as for the actual crime. Persons found guilty of involvement in any offense related to prostitution (for example, operating a place of assignation) can be required to forfeit or vacate any property found to be, in whole or in part, purchased with the proceeds of their crime.

Prostitution of minors: Singapore prohibits the unlawful transfer, possession, custody or control of children and the importation of children by false pretenses; both offenses are punishable by up to four years in prison (Children and Young Persons Act 12). In addition, it is an offense for a person to commit or abet procuring any obscene or indecent act with a child or young person (under 14 and 16 respectively); the

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penalty is a prison term of up to two years and/or a fine of SGD 5,000, which are both doubled for a second and subsequent offense (Children and Young Persons Act 7). It is illegal to buy, sell, hire, let for hire, or otherwise obtain or dispose of any person under 21 for the purpose of prostitution; the punishment is up to 10 years in prison and a fine (Penal Code 372-373). The government has proposed modifying the Penal Code to raise the age of consent to 18 for commercial sex acts; the changes are expected to be tabled in Parliament in the first half of 2007.

-- B. What are the penalties for trafficking people for sexual exploitation?

Please refer to the answer above in III A.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being exploited in the destination country? For employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses?

Unlawfully compelling a person to labor against their will is an offense; the punishment is up to one year in prison and a fine (Penal Code 374). Slavery and dealing in slaves is illegal and punishable with up to 10 years in prison and a fine (Penal Code 370-371). Wrongfully confining a person is illegal and is punishable with up to three years in prison and a fine (Penal Code 344); if the intention of the

confinement is to keep them away from persons interested in their welfare, including public servants, the penalty can be increased by 2 additional years in jail. Using force or deceit to compel any person to go from any place for the purpose or wrongful confinement or slavery is illegal and punishable with up to 10 years in prison, a fine, and caning (Penal Code 362-368). It is illegal to compel a person to do anything they are not legally bound to do through threats against them or any person they have an interest in; the punishment is up to two years in prison and a fine (Penal Code 503-506). Aiding the commission of any of the above offenses, through act or omission, is illegal, and punishable with the same penalty as the crime itself (Penal Code 107-109).

It is an offense under the Employment Agency Rules for employment agencies to withhold the passports of foreign workers. Employment agencies that do so face a maximum penalty of SGD 1,000 for first time offenders. Repeat offenders can be jailed for up to 6 months and fined a maximum of SGD 2,000. According to the Ministry of Manpower (MOM), since 2004, three employment agencies have been prosecuted for passport withholding and four were fined.

It is an offense under the Employment of Foreign Workers Act to withhold the salary of foreign workers and offenders may be fined up to SGD 5,000 and/or imprisonment for a term not exceeding 6 months. Since 2004, 11 employers have been prosecuted for failing to pay the salary due to their foreign domestic workers and four of them were jailed. In November 2006, MOM amended the work permit conditions to require employers to offer their foreign domestic workers the option to have direct deposit of their salary in their bank accounts. From January to September 2006, 23 employers were successfully prosecuted for abusing their foreign domestic workers.

Any unilateral change in the terms of work contract would render it null and void, according to MOM. When there is a contract dispute, MOM provides mediation services to try to resolve differences before pursuing legal action. According to MOM, more than 90 percent of such employment disputes are settled amicably through mediation. Foreign embassies of labor source countries report that the most common dispute is

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over the late payment of wages, usually by smaller firms. The failure to pay wages is not seen as a tactic to keep the worker in a state of service but due to the precarious financial situation of the firms, some of which declare bankruptcy.

-- D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed and imposed penalties for crimes of trafficking for commercial sexual exploitation?

Rape is punishable by a prison term which may extend to 20 years and a fine or caning (Penal Code 376). Assault or the use of criminal force to a person with intent to outrage modesty may be punished by a prison term which may extend to two years, or with a fine, or with caning, or with any two of such punishments (Penal Code 354).

-- E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

Prostitution per se is not illegal. However, public solicitation is illegal and punishable with a fine. It also

is illegal for third parties to live off the earnings of prostitutes, which is punishable with a fine or jail. Prosecutions for solicitation are rare and usually not aimed at the prostitute herself. Almost all sex workers in Singapore come from other countries and are in Singapore on a tourist or student visa. Entry into Singapore for the purpose of prostitution or pimping is not permitted, giving the police legal grounds to detain and repatriate suspected foreign sex workers. In 2005, authorities detained 3,220 foreign sex workers, of whom 35 alleged that they were forced, intimidated or tricked into prostitution. A few of these 3,220 women were prosecuted for having overstayed their visas in Singapore, but most were simply expelled after screening for possible coercion and efforts to elicit cooperation as witnesses against vice operators. In addition, authorities can exclude from entry persons they believe may be entering to engage in prostitution. (Note: Post has requested 2006 law enforcement and immigration statistics from MHA. End Note.)

The law allows authorities to detain for rehabilitation women and girls under the age of 21 who are suspected of involvement in prostitution. Since 1999, official information is that only seven persons have been held under this clause.

The government does not currently regard 16- and 17-year old sex workers as "trafficking" victims if they have knowingly and willingly engaged in the trade. The government has indicated that it will raise the age of consent for commercial sex acts to 18 in the first half of 2007 as part of its extensive Penal Code revisions.

Operating a brothel and living off the earnings of a prostitute (pimping) are illegal. In 2005, the authorities prosecuted 76 pimps and "vice abettors" (e.g., brothel operators). (Note: Post has requested updated law enforcement and immigration statistics from MHA. End Note.) In addition, third parties involved in the prostitution of girls under the age of 16 face enhanced penalties (see section III.A).

These legal structures are modified by the government's policy of "discretionary enforcement" in designated red light areas. After over 20 years of unsuccessful concerted efforts to stamp out prostitution in the 1960s and 1970s, the Government decided to allow some brothels to operate in designated areas. Cracking down on prostitution had forced the industry underground, leading to heavy involvement of organized criminal elements and high rates of sexually transmitted diseases. In exchange for the Government's toleration of their activities, "authorized" brothels must adhere to strict guidelines. Before commencing work, police interview each woman to ensure she is a voluntary participant

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in the sex trade. All the women must be at least 21 years old, go through explicit "safe sex" training, submit themselves to biweekly medical checkups, and carry a yellow "health" card. These sex workers may work only in the tolerated brothels, and may not solicit on the street or in other establishments.

-- F. Has the government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or

sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced: If not, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

Of the 3,220 foreign sex workers detained in 2005, 35 alleged that they were forced, intimidated or tricked into prostitution. Seven victims did not remain in contact with the police to pursue investigations. Of the remaining 28 cases, the police were not able to make cases for any trafficking specific charges, but the government was able to successfully prosecute eight people under related charges under the Women's Charter and Immigration Act. Three cases remained under investigation. (Note: Post has requested 2006 data from MHA. End Note.)

The government does prosecute employment agencies and employers that withhold the passports of workers. Since 2004, three employment agencies have been prosecuted for passport withholding and four were fined. Since 2004, 11 employers have been prosecuted for failing to pay the salary due to their foreign domestic workers and four of them were jailed. The local media gave prominent coverage to these cases. In August 2006, a father and son were fined SGD 20,000 each after they pled guilty to failing to pay the salaries of workers at their now bankrupt construction firm. The money from the fines was to be distributed among the workers.

-- G. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

No known trafficking rings operate in Singapore. Government officials are not involved in trafficking. Representatives of other diplomatic missions and NGOs have told us that whatever trafficking does occur is run by small, freelance operators based outside of Singapore. Major organized crime rings do not appear to be involved; some smaller rings have been discovered in the source countries but generally have only a few low-level persons physically in Singapore.

The Embassy is not aware of any cases in which employment agencies, travel agencies or marriage brokers were fronting for traffickers. The government closely monitors these agencies, which face severe penalties for helping people to violate Singapore's strict immigration laws. For example, travel agencies that repeatedly bring people to Singapore who do not leave when their visas expire are blacklisted by the government, are required to post a SGD 1,000 deposit on every one of their visitors, and face extended processing time for visas. Employment agencies must be accredited, and are subjected to periodic audits and spot checks by Ministry of Manpower authorities. It would be difficult to use marriage agencies as a front for labor or sex trafficking, given

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Singapore's stringent immigration rules: obtaining permanent residence status for a foreign spouse is an arduous process that can take years and subjects the couple to close scrutiny by immigration officials. Marriages of convenience to obtain immigration status are illegal, and people who misuse their Singapore documents (passport and national identity card) to skirt immigration rules can be prosecuted for fraud and corruption, both of which carry heavy jail sentences and potential caning. However, in December 2005, the government formed an inter-agency working group to evaluate the business

practices of Singapore-based marriage brokers that involve foreign women. The working group is consulting with agencies involved in this field and will recommend ways to improve the way they conduct their business.

-- H. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

The government actively investigates trafficking. Police use informants, electronic surveillance, and active patrols to monitor the sex industry for coercion. Police and prosecutors say that they deal with any allegations of deception or coercion in the sex industry as priority cases, and NGOs say that "all" such tips that they pass to the police receive immediate attention. Authorities screen detained suspected sex workers (i.e., those not operating in the "tolerated" system) for possible cases of coercion, and also to ascertain the identity of "vice operators" involved and obtain prosecution witnesses against these third parties.

Singapore Police are effective and equipped with broad powers. They use techniques such as electronic surveillance, informants, and undercover and covert operations. Prosecutors can recommend mitigated punishments for people who cooperate in a police investigation. They use these powers fully to investigate cases of alleged trafficking, according to NGO representatives and other observers of the sex industry.

For labor cases, the Ministry of Manpower conducts spot checks on employers, has a hotline for domestic workers, and, with the police, investigates tips from the public as well as NGOs.

-- I. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

Police and prosecutors are competent to recognize, investigate and prosecute trafficking-related offenses. Police have consulted with a local NGO on techniques for improving their interaction with victims. The police coordinate with foreign police forces on specialized training on issues such as vice syndicates and child exploitation. Singapore also participates in training courses at the U.S. International Law Enforcement Academy in Bangkok, including courses on trafficking-related crimes.

--J. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

The Singapore government does cooperate with other governments on trafficking cases. It has worked with Thai and Indonesian police on possible trafficking rings. The Singapore Police hold regular bilateral meetings with their Malaysian counterparts on trafficking and other transnational issues. Singapore and Indonesia are negotiating an extradition treaty, which would improve cooperative law enforcement efforts on transnational crimes, including trafficking. The authorities also work with embassies of domestic-worker source countries in investigating abuse allegations. For example, one embassy official from a labor source country praised the good response by the police and said "they want to help us."

Singapore actively participates in multilateral fora to combat TIP and people smuggling. Singaporean airport and immigration authorities allow U.S. DHS immigration officers ongoing access inside Changi airport's transit lounge, where they assist Singaporean authorities to prevent and address potential human trafficking, people smuggling, and immigration fraud cases.

Singapore does not release the number or nature of cooperative international investigations it participates in.

-- K. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, is the government doing to modify its laws to permit the extradition of its own nationals?

Singapore is not known to have received requests to extradite a trafficker. Singapore extradites its own nationals. Singapore law requires extraditions to be on the basis of a treaty, but the government is willing to deport non-Singaporeans into custody if there is no extradition treaty in existence.

-- L. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in or tolerance of trafficking. The Singapore Government is virtually free of corruption. Penalties in the few isolated cases of government corruption and misconduct have been harsh.

-- M. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What sentence(s) was imposed? Please provide specific numbers, if available.

Not applicable.

-- N. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s)?

Men from Singapore do travel to countries in the region for sex tourism. It is probable that some are engaging in child sex tourism. Post is not aware of any estimates of the number of Singaporeans who are involved in child sex tourism.

The Singapore government acknowledges that it has a sex tourism problem. In its proposed amendments to the Penal Code (expected to be tabled in Parliament in the first half of 2007), the government would extend extra-territorial jurisdiction over Singaporean citizens and permanent residents who purchase or solicit sexual services from minors overseas. The penalty would be imprisonment for a term up to seven years and/or a fine. To further help combat child sex tourism, the proposed amendments also make organizing or promoting child sex tours a criminal offense. The penalty would be imprisonment for a term of up to 10 years and/or a fine.

-- O. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Singapore ratified ILO Convention 182 in June 2001.

--ILO Convention 29 and 105 on Forced or Compulsory Labor.

Singapore ratified Convention 29 in October 1965. It

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ratified Convention 105 the same month, but withdrew from it in April 1979.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography.

No.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

No.

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